

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 7746 of 2021

Jitendra Patel S/o Kanhaiya Patel Aged About 28 Years R/o Village Kashidih,
Tehsil Dabhra, District Janjgir - Champa (Chhattisgarh) ---- **Applicant**

Versus

State Of Chhattisgarh Through - Station House Officer, Police Chowki Rampur,
Police Station Kotwali, District Korba, Chhattisgarh
---- **Non-Applicant**

For Applicant: Shri TK Jha, Advocate.

For Non-Applicant/State : Shri DC Verma, Government Advocate.

Hon'ble Shri Justice Deepak Kumar Tiwari

Order on Board

25.10.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the Applicant, who has been arrested in connection with Crime No.877/2021 registered at Police Station – Police Chowki Rampur, P.S Kotwali, District – Korba, Chhattisgarh for the offence punishable under Section 376 IPC.
2. Prosecution case in brief is that the present Applicant was the landlord of the house where the prosecutrix was a tenant and the Applicant developed physical relationship with her since 2019 and later on, when he refused to marry her, offence under Section 376 IPC was registered.
3. Learned Counsel for the Applicant submits that the Applicant has no connection with the crime in question at all and has been falsely implicated in the same for which, he is in jail since 09.09.2021. He further submits that inordinate delay of 2 years 8 months has occurred in the lodging of the FIR, the prosecutrix is a married lady and as such no offence under

Section 376 IPC is made out as per the allegations of the prosecutrix and therefore, the present Applicant may be released on bail.

4. Per contra, learned Counsel for the State vehemently opposed the bail application by submitting that the Applicant continued to cheat the prosecutrix for a quite long time under the pretext of marriage.

5. Considering the facts and circumstances of the case, the nature of allegation, the fact that the prosecutrix is grown up lady, who was under the physical relationship with the Applicant for such a long period i.e. since 2019, delay in the FIR, which was lodged after 2 years 8 months and the trial of the case is likely to take sometime for its conclusion, therefore, I am inclined to grant regular bail to the Applicant.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. It is directed that the Applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed. In case any default is committed by the Applicant in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Deepak Kumar Tiwari)
Judge